

EXHIBIT A

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA

IN RE: . Case No. 00-22876 (JKF)
.
.
.
PITTSBURGH CORNING .
CORPORATION, .
.
.
Debtor. . 5414 USX Tower Building
.
Pittsburgh, PA 15219
.
January 13, 2010
9:04 a.m.

TRANSCRIPT OF HEARING
BEFORE HONORABLE JUDITH K. FITZGERALD
UNITED STATES BANKRUPTCY COURT JUDGE

APPEARANCES:

For the Debtor: Reed Smith LLP
By: DOUGLAS E. CAMERON, ESQ.
JAMES J. RESTIVO, JR., ESQ.
435 Sixth Avenue
Pittsburgh, PA 15219

For ACC: Caplin & Drysdale, Chartered
By: PETER VAN N. LOCKWOOD, ESQ.
One Thomas Circle, N.W.
Washington, DC 20005

Campbell & Levine
By: DAVID SALZMAN, ESQ.
1700 Grant Building
Pittsburgh, PA 15219

Audio Operator: Janet Heller

Proceedings recorded by electronic sound recording, transcript
produced by transcription service

J&J COURT TRANSCRIBERS, INC.
268 Evergreen Avenue
Hamilton, New Jersey 08619
E-mail: jjcourt@optonline.net

(609) 586-2311 Fax No. (609) 587-3599

APPEARANCES (cont'd.):

For Various Claimant Firms:	Stutzman, Bromberg, Esserman By: DAVID J. PARSONS, ESQ. 2323 Bryan Street, Suite 2200 Dallas, TX 75201-2689
For Century Ins. Co.:	O'Melveny & Myers, LLP By: TANCRED SCHIAVONI, ESQ. Times Square Tower Seven Times Square New York, NY
For Certain Pittsburgh Corning Cancer Claimants:	Montgomery, McCracken, Walker & Rhoads, LLP By: NATALIE D. RAMSEY, ESQ. 123 South Broad Street Philadelphia, PA 19109
For Future Claims Rep:	Dinsmore & Shohl, LLP By: JOEL HELMRICH, ESQ. One Oxford Centre 301 Grant Street, Suite 2800 Pittsburgh, PA 15219
For PPG:	Kirkpatrick & Lockhart By: DAVID MURDOCH, ESQ. DAVID MCGONIGLE, ESQ. MICHAEL NELSON, ESQ. DAVID ACETO, ESQ. 535 Smithfield Street Pittsburgh, PA
For Committee of Unsecured Trade Creditors:	Leech, Tishman, Fuscaldo & Lampl By: DAVID LAMPL, ESQ. CRYSTAL THORNTON-ILLAR, ESQ. 1800 Frick Building Pittsburgh, PA 15219
For Corning Inc.:	Thorp, Reed & Armstrong By: KIMBERLY LUFF WAKIM, ESQ. ELENE MOUNTIS MORAN, ESQ. 301 Grant Street, 14th Floor Pittsburgh, PA 15219
For Lumbermens:	Fox Rothschild By: JOHN GOTASKIE, ESQ. 625 Liberty Avenue, 29th Floor Pittsburgh, PA 15222-3115

APPEARANCES (cont'd.):

For Garlock Sealing
Technologies:

Del, Sole, Cavanaugh & Stroyd
By: ART STROYD, ESQ.
The Waterfront Building
200 First Avenue, Suite 300
Pittsburgh, PA 15222

For Continental
Casualty:

Stonecipher, Cunningham, Beard
& Schmitt, P.C.
By: GEORGE T. SNYDER, ESQ.
125 First Avenue
Pittsburgh, PA 15222

For Garlock Sealing
Technologies:

Robinson, Bradshaw & Hinson
By: GARLAND S. CASSADA, ESQ.
RICHARD C. WOLF, ESQ.
101 North Tryon Street, Suite 1900
Charlotte, NC 28246

TELEPHONIC APPEARANCES:

For Debtor:

Ward, Norris, Heller & Reidy
By: CHERYL HELLER, ESQ.
300 State Street
Rochester, NY

For James Dennis:

Zeichner, Ellman & Krause LLP
By: MICHAEL DAVIS, ESQ.
575 Lexington Avenue
New York, NY 10022

For Travelers
Casualty:

Debevoise & Plimpton, LLP
By: ROBERT D. GOODMAN, ESQ.
913 3rd Avenue
New York, NY 10022-3916

For Everest Insurance:

Walker, Wilcox & Matousek
By: FRED ALVAREZ, ESQ.
225 West Washington Street, Suite 2400
Chicago, IL 60606

For NorthStar
Reinsurance Corp.:

Skadden, Arps, Slale, Meagher
& Flom, LLP
By: MICHAEL J. BALCH, ESQ.
Four Times Square
New York, NY 10036

TELEPHONIC APPEARANCES (cont'd.):

For Travelers Casualty:	Travelers Casualty and Surety By: LEONARD BIERINGER, ESQ.
For AIG:	Lynberg & Watkins By: R. JEFF CARLISLE, ESQ. 888 S. Figueroa St., 16th Floor Los Angeles, CA 90017
For Employee Insurance of Wausau:	Dorsey & Whitney, LLP By: JOSHUA COLANGELO-BRYAN, ESQ.
For AIG:	Mound, Cotton, Wollan & Greengrass By: JAMES DENNIS, ESQ. 24 Whitehall Street New York, NY 10004-1416
For Various Claimant Firms:	Stutzman, Bromberg, Esserman By: SANDER L. ESSERMAN, ESQ. 2323 Bryan Street, Suite 2200 Dallas, TX 75201-2689
For Continental:	Carroll, Burdick & McDonough By: RODNEY L. ESHELMAN, ESQ. 44 Montgomery Street, Suite 400 San Francisco, CA 94104
For All the Future Claimants:	By: LAWRENCE FITZPATRICK, ESQ.
For Insurance Counsel to ACC:	Anderson, Kill & Olick By: ROBERT M. HORKOVICH, ESQ.
For Debtor:	Corning Incorporated By: LINDA E. JOLLY, ESQ. One Riverfront Plaza Corning, NY
For Berkshire Hathaway:	Graham Curtin By: ROBERT MAURIELLO, ESQ.
For Official Committee of Unsecured Asbestos Creditors:	Campbell & Levine By: PHILLIP MILCH, ESQ. 1700 Grant Building Pittsburgh, PA 15219
For Sherrard, German & Kelly:	Sherrard, German & Kelly PC By: GARY PHILLIP NELSON, ESQ.

TELEPHONIC APPEARANCES (cont'd.):

For Debtor:	Pittsburgh Corning Corporation By: JOSEPH NESE, ESQ.
For Royal Alliance:	Wilson, Elser, Moskowitz, Edelman By: CARL PERNICONE, ESQ.
For Federal Insurance:	Cozen O'Connor By: WILLIAM SHELLEY, ESQ. 1900 Market Street Philadelphia, PA 19103
For Lumbermens Mutual:	Charlston, Revich & Wollitz, LLP By: STEPHEN P. SOSKIN, ESQ. 1925 Century Park East, Suite 1250 Los Angeles, CA 90067-2746

1 ballot by definition does that.

2 So you compare the people who voted with the people
3 who are named on the 2019 statements as being clients of the
4 firm that are represented in the case. And let's assume there
5 are a lot of people who are listed on the 2019s that didn't
6 vote. What does that show you about whether they've been
7 exposed to Pittsburgh Corning asbestos? I don't think it shows
8 anything.

9 And the one thing that the 2019s do that the ballot
10 doesn't do is it contains information about the fee
11 arrangements with the lawyers.

12 And I don't understand what legitimate interest
13 Garlock has given the objections that it's filed in this case
14 to that. But even if they got that information it's still not
15 going to show whether they have exposure to Pittsburgh Corning
16 products or anything else.

17 So I think Your Honor asked the right question, but I
18 don't think you really got an answer from Mr. Cassada that
19 legitimately explained what it is that he thinks these 2019s
20 are going to do for his objection.

21 MR. CASSADA: Your Honor, we --

22 THE COURT: Just a minute. Let me look at the rule
23 for a minute please. Okay. First of all the 2019 statements
24 don't have to include a date of exposure to the extent that the
25 facts and circumstances that gave rise to the claim or interest

1 had been acquired more than a year prior to the filing of the
2 petition.

3 So what Garlock expects to get out of the 2019
4 statements is not necessarily going to be there unless it's a
5 nature of a claim or amount of a claim or interest that accrued
6 within the year pre-petition.

7 So first of all the 2019 statements don't have that
8 type of information.

9 Number two, the purpose for filing the 2019
10 statements is essentially to make sure that the Court
11 understands that the parties who -- that the attorneys who
12 purport to represent particular parties actually do represent
13 those parties and therefore have the right to participate in
14 the significant events in the case.

15 They are not there for the purpose of allowing
16 another party to use them in some litigation context outside
17 the confines of this case.

18 It is the ballots that determine whether or not a
19 person has come forward with information that indicates that
20 they have a claim against this estate at this time.

21 To the extent there's a futures claim out there -- we
22 went through this I know in a different context, in slightly
23 different context in the W.R. Grace argument, but the comments
24 are the same -- to the extent there's a futures claim out
25 there, that entity isn't going to vote and that information to

1 the extent it is or isn't included in the 2019 statements can't
2 be ascertained at this time.

3 I don't see a basis for Garlock getting these 2019
4 statements. I'm happy to defer this for a week to see, or
5 however long, to see whether you folks can come to some
6 resolution, but I don't see a basis for it. Especially since
7 the information I think you're looking for is on the ballots.

8 MR. CASSADA: Yes, Your Honor, thank you. First of
9 all the information we're seeking doesn't contain any of the
10 fee arrangement.

11 Your Honor, the 2019 statements are the only time in
12 a case when the parties who these lawyers appear and represent
13 in a case identify themselves and --

14 THE COURT: No, they identify themselves in the
15 ballots, on the master ballots.

16 MR. CASSADA: Yeah, they identify themselves later in
17 the ballots.

18 THE COURT: Yes.

19 MR. CASSADA: But 2019 statements tend to show when
20 they first had exposure to --

21 THE COURT: They don't.

22 MR. CASSADA: Yes.

23 THE COURT: They don't even have to say that.

24 MR. CASSADA: Your Honor, okay, Your Honor, let me
25 read you what the typical 2019 statement in this case and

1 others say.

2 It's prepared by a law firm, Mr. Lockwood is correct,
3 the lawyer says I have personal knowledge of the facts set
4 forth herein. As of the date of this amended statement the
5 firm represents thousands of personal injury claimants who have
6 been injured by asbestos containing products manufactured,
7 marketed, distributed, sold or produced by debtor and others
8 and thus hold claims against the debtor. And then it attaches
9 who those claimants are.

10 In this case, Your Honor, we're not seeking this
11 information for the purpose of using it outside of the
12 bankruptcy case. It's relevant to our plan objections.

13 The ballots show which of these 2019 filers
14 subsequently voted their claims.

15 THE COURT: Yes.

16 MR. CASSADA: And in voting their claims there is a
17 certification under penalty of perjury that these folks have
18 bona fide claims which includes, and the master ballot
19 instruction says, that it has to include Pittsburgh Corning
20 exposure which is credible and meaningful evidence of exposure.

21 THE COURT: Exactly.

22 MR. CASSADA: Right. So when we provide that
23 evidence and we show that these claimants in the tort system
24 have taken just the opposite position, then --

25 THE COURT: First of all I haven't heard any evidence

1 yet, evidence, that indicates that the plaintiffs in the tort
2 system have taken a different position with respect to this
3 debtor.

4 MR. CASSADA: Yes.

5 THE COURT: So the ballots are there and you've got
6 them. If they've taken an inconsistent position in the tort
7 system, go complain to the state court judge about the fact
8 that they've taken an inconsistent position.

9 That has nothing to do with the legitimacy of their
10 vote in this case. They're taking a position here that says
11 they have a legitimate claim, they've sworn to that fact under
12 penalty of perjury, and the ballot is what determines that.

13 To the extent that Garlock is a codefendant as to any
14 of those folks who have voted, then you're a codefendant. That
15 proves the point that you're trying to make. You don't need
16 the 2019 statements to bolster that argument, you've got them
17 in the form of the ballots.

18 MR. CASSADA: No, Your Honor, the point that we were
19 trying to make is that the plan is not fair and equitable to
20 Garlock.

21 THE COURT: All right.

22 MR. CASSADA: And the reason it's not fair and
23 equitable is because it confers on the claimants a privacy
24 right, a right to hold onto their claim and then file it in
25 privacy and secrecy from the defendants. And this --

1 THE COURT: But you've already got the ballots so
2 you'll know whether or not they choose to file a claim against
3 the trust because you've got the ballots. They voted.

4 MR. CASSADA: That's right.

5 THE COURT: Okay.

6 MR. CASSADA: And the ballots will show that what
7 happens, the danger, to Garlock and why it would be unfair in
8 the future to allow claimants to file in secrecy because they
9 take inconsistent positions.

10 Now when we provide evidence to you of that, then I
11 would expect --

12 THE COURT: When you provide evidence to me of that
13 then maybe I'll reconsider this 2019 issue. Even then the fact
14 that somebody has listed an individual as a client on a 2019
15 statement is not evidence that they are going to submit a claim
16 against the trust in the future.

17 So I don't even see how it's relevant at this point.
18 It may be relevant --

19 MR. CASSADA: Yes, Your Honor.

20 THE COURT: -- when a piece of litigation takes place
21 in the state tort system against Garlock and at that point
22 Garlock thinks somehow that because it's a codefendant with PCC
23 that it may have some access or need to access a specific 2019
24 statement as to a particular client.

25 But giving you mass discovery as to everybody who

1 every law firm represents I think has no basis in law or in
2 fact. It is not -- those statements are not for that purpose
3 and I don't see a basis to grant this relief.

4 MR. CASSADA: Your Honor, the statements would
5 normally be filed under the light of day so that all the
6 parties in the case could see them. In this particular case --

7 THE COURT: That fact that they haven't has been
8 upheld by the Third Circuit.

9 MR. CASSADA: Right. But the Third Circuit has never
10 heard a question of when a party in interest in a bankruptcy
11 case is entitled to access that information.

12 Your Honor stated when you decided that the
13 plaintiffs could file these 2019 statements and effectively put
14 the identities of their clients and the particulars of their
15 claim under seal, that the reason for that was not to protect
16 them from disclosure to the parties in interest in the case who
17 might need that information in connection with protecting their
18 interest in the case but it was to protect them --

19 THE COURT: That's right. Who might need the
20 information. That's crucial.

21 MR. CASSADA: -- it was to protect them from the
22 public because Your Honor said --

23 THE COURT: That's right. And well, no, you are part
24 of the public. Your client's part of the public.

25 MR. CASSADA: We are a party --

1 THE COURT: Your client may be a party in interest in
2 this case.

3 MR. CASSADA: -- we are a party in interest.

4 THE COURT: That is not what you're attempting to use
5 these ballots for. You're attempting to use them in state
6 court litigation that has nothing to do with this case and that
7 is not what the purpose of the 2019s is.

8 MR. CASSADA: I'm trying to use --

9 THE COURT: The purpose is to make sure that the
10 entities who vote in this case have actually been identified
11 and somebody makes the comparison to determine that in fact the
12 law firm that purports to represent that party represents that
13 party. And the ballots give you the same information, it tells
14 you who votes.

15 To the extent that there is a discreet piece of
16 litigation that at some point in the future means that Garlock
17 needs access, this is without prejudice, you're raising that in
18 that litigation at that time because you may file a motion for
19 access regarding a particular discreet piece of litigation.

20 But to fashion some wholesale idea that there is
21 large, I'll use the word fraud because I think that's
22 essentially what you're suggesting, fraud in either the tort
23 system or here without any evidence of that in this case, is
24 simply uncalled for and you've got to prove it.

25 So you show me on the ballots or a ballot where an

1 individual is filing a claim here and has made a representation
2 in the tort system that they have no such claim here and then
3 I'll reconsider.

4 But I see no basis for disclosing the 2019 statements
5 for the purpose Garlock is advancing that it needs them, i.e.
6 to substantiate that it has a claim as a codefendant in the
7 tort system here because the ballots tell you that same
8 information and you've gotten access to the ballots.

9 MR. CASSADA: Yes. The ballots give you that
10 information but timing is key and that's what the 2019
11 statements.

12 THE COURT: But they don't.

13 MR. CASSADA: And just to be clear, Your Honor, we
14 are not --

15 THE COURT: They don't even have to say that, Mr.
16 Cassada.

17 MR. CASSADA: But they do, Your Honor.

18 THE COURT: Well --

19 MR. CASSADA: They do.

20 THE COURT: -- in this case they indicate when the
21 claim arose? That's one of the fields that I ordered? I don't
22 think so.

23 MR. CASSADA: Actually I believe you did order that,
24 for them to state when their claim arose. But they in fact do
25 state in them, at least some of them do, the ones I've looked

1 at do, that these claimants have Grace exposure.

2 THE COURT: Okay.

3 MR. CASSADA: That's what they --

4 THE COURT: You've got 2019 statements in this case
5 that indicate that they have PPG -- Pittsburgh Corning
6 exposure.

7 MR. CASSADA: I'm sorry. I said Grace exposure.

8 THE COURT: You've got 2019 statements in this case
9 that say that the debtors have at a particular time because
10 that's what you said that they indicated, when their claim
11 arose, not that they have a claim but when the claim arose.

12 MR. CASSADA: I have statements that say that as of
13 the date of the statements they have Pittsburgh Corning
14 exposure.

15 THE COURT: I think what you read was that the firm
16 represents clients who have exposure in the asbestos, to
17 asbestos manufactured or distributed by the debtor and others.

18 MR. CASSADA: Yes.

19 THE COURT: Okay.

20 MR. CASSADA: Yes. That's evidence of exposure to
21 the debtor.

22 THE COURT: Not necessarily.

23 MR. CASSADA: Well I have a hard time seeing how it
24 isn't, Your Honor. You've got a lawyer saying I know what I'm
25 talking about, I've got knowledge of this, and these people who

1 I'm attaching to this statement have exposure to products of
2 the debtor and others. That's our point.

3 THE COURT: Okay. The ballots I think are sufficient
4 at this time because they provide the same information. If I
5 am incorrect, folks, in what I ordered because I have had a
6 number of cases and to the extent that I'm incorrect, please
7 straighten me out.

8 I have not gone back to look at the 2019 statements.
9 Did I order a date of exposure to Pittsburgh Corning asbestos
10 products in these 2019 statements?

11 MR. LOCKWOOD: No, Your Honor, you ordered people to
12 comply with the rule and you read the rule early which says
13 that if the acquisition of the claim occurs more than one year
14 prior to the date of filing you don't have to provide the date
15 on which "the claim was acquired."

16 THE COURT: Okay.

17 MR. CASSADA: Yeah, and let me suggest this, Your
18 Honor. Then if we continue this hearing then I will provide
19 you the evidence that you're talking about and I will show you
20 that the reason we need the 2019 statements is to rebut an
21 argument of subsequent discovery.

22 And if we show you the evidence exists of the
23 inconsistent positions --

24 THE COURT: That has nothing to do with your claim in
25 this case, an argument about subsequent discovery. That's

1 related to a case in the tort system --

2 MR. CASSADA: It has, yeah.

3 THE COURT: -- by a specific individual who's
4 claiming, apparently claiming, that they had exposure to
5 something that Garlock did and/or to something that Pittsburgh
6 Corning did, but has earlier denied that exposure.

7 If you get a specific case like that in the tort
8 system, you can seek relief from this Court. But you can't
9 make a wholesale assertion that every person who is listed on a
10 2019 statement is abusing either the bankruptcy or the tort
11 system process by naming Garlock and Pittsburgh Corning in the
12 same suit. Those suits aren't even going to go forward against
13 Pittsburgh Corning in the future.

14 MR. CASSADA: Yes. I'm going to try to offer
15 evidence to Your Honor at the confirmation hearing that the
16 trust distribution procedures are unfair to Garlock because
17 they allow the claimants to conceal evidence.

18 THE COURT: I know that's Garlock's position. The
19 reality is --

20 MR. CASSADA: So this is relevant to that.

21 THE COURT: -- it is not related to that -- the
22 reality is that Garlock has the same right to seek discovery
23 against the trust in the event that it gets a claim in the tort
24 system from somebody else that it has for relief from this
25 Court with respect to the 2019 statements. It's not a

1 wholesale fishing expedition proposition. You've got to relate
2 it to a --

3 MR. CASSADA: I'm not on a fishing expedition.

4 THE COURT: -- but you are, Mr. Cassada.

5 MR. CASSADA: I'll show you at the confirmation
6 hearing why the state law discovery remedies are not sufficient
7 to cover --

8 THE COURT: That is wholesale fishing. You need it
9 in connection with a specific case. You have to be able to
10 make an allegation that tort plaintiff A has essentially lied
11 and when you make that allegation under oath or as a
12 certification in a specific case, I will be happy to consider
13 whatever disclosure is appropriate to attempt to prove that
14 it's either true or not true.

15 But then you do it subject to Rule 9011 and with all
16 of the sanctions that go along with it in the event that it is
17 an inaccurate statement. It is not a wholesale fishing
18 expedition.

19 So when that case arises in the tort system, you
20 bring in that evidence. Otherwise you have the same remedy
21 against the trust. You're permitted to issue subpoenas and get
22 documentation from the trust and nothing in this provision of
23 this plan or in any order this Court signs is going to do away
24 with that.

25 MR. CASSADA: Okay. I understand your position, Your

1 Honor, but just to be clear again, the 2019 statements sought
2 in this case are to aid Garlock in protecting its rights in
3 this case.

4 THE COURT: I understand but that's duplicative.
5 Actually it's not. It doesn't even do what the ballots do.
6 The ballots are what protect Garlock's position in this case
7 because it identifies whoever the actual individuals are who
8 have voted in this case, asserted that they have a claim
9 against Pittsburgh Corning, and Garlock now has the identity of
10 every single one of those people.

11 So if Garlock in the tort system is faced with a
12 claim by one of those people who have somehow said that they
13 had no exposure to Pittsburgh Corning products in the past and
14 now they're saying they do or vice versa, some inconsistent
15 position, Garlock has a remedy here.

16 MR. CASSADA: Yeah, I'll bring that to Your Honor and
17 then you will inevitably hear the subsequent discovery argument
18 and then the 2019 statement would come into play.

19 THE COURT: Well at that time it might be ripe. It's
20 not ripe now.

21 MR. CASSADA: Okay. Are you going to enter an order
22 denying our motion today?

23 THE COURT: I thought you folks had some agreement
24 that you were trying to work out things.

25 MR. CASSADA: Okay. I heard Your Honor, but I don't